

ANGUS COUNCIL

9 SEPTEMBER 2021

LOCHSIDE LEISURE CENTRE – UPDATE

REPORT BY DIRECTOR OF INFRASTRUCTURE

ABSTRACT

Report 98/21 presented at Council on 18 March 2021 updated members on the outcome of the initial consultation regarding the future of the former Lochside Leisure Centre, Forfar and the land on which it sits. The report looked for agreement to progress to formal consultation under Section 104 of the Community Empowerment (Scotland) Act 2015. Council previously took the decision to defer Report 98/21.

Following the withdrawal of the proposals by Station Park Community Trust, at the Council meeting of 24 June 2021, the Council agreed to market the property for lease in order to gauge interest, with a report coming back to Council on 9 September 2021. This Report details the marketing of the centre and the next steps as set out in Report 98/21.

1. RECOMMENDATIONS

It is recommended that the Council

- (i) notes the costs of the minimal repairs previously agreed by Council to be undertaken to limit any further deterioration of the building;
- (ii) notes the marketing of the building and the interested expressed to date;
- (iii) takes into consideration the duty to pay due regard to the outcome of the initial consultation undertaken on the former Lochside Leisure Centre from December 2020 to January 2021 as detailed in Report 98/21 (Appendix 1 annexed to this report);
- (iv) considers if Members wish to progress matters with a view to formal consultation on the future of Lochside Leisure Centre under Section 104 of the Community Empowerment (Scotland) Act 2015 and if so determines which one of the five Options in Appendix 1, namely 1. Status Quo; 2. Sale; 3. Lease; 4. Community Asset Transfer and 5. Demolition, are to be taken forward with a view to the formal Section 104 consultation on the former Lochside Leisure Centre land and building;

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to the following strategic priorities in the Angus Council Plan, we want:

- Angus to be a go-to place for businesses
- Our communities to be strong, resilient and led by citizens
- Angus Council to be efficient and effective

3. BACKGROUND

3.1 At the Council meetings on 18 March 2021, it was agreed that Report 98/21 (**Appendix 1**) be deferred, to allow a report to be brought to Council and considered by members regarding the new Common Good accountancy procedures for Angus Council. At the Council meeting on 13 May 2021 Report 139/21 was further deferred to allow the proposal by Station Park Community Trust for the former Lochside Leisure Centre to be fully explored.

3.2 Station Park Community Trust withdrew their proposal on 23 June 2021, and subsequently the Council at its meeting of 24 June 2021, in consideration of Report 218/21:

- (i) noted that the Station Park Community Trust, (now known as Forfar Community Football Trust), proposal has been withdrawn;

- (ii) agreed, prior to having due regard to the outcome of the informal consultation, to market the property for lease in order to gauge interest, with a report coming back to Council on 9 September to determine which one of the five Options in Appendix 1, namely 1. Status Quo; 2. Sale; 3. Lease; 4. Community Asset Transfer and 5. Demolition, is to be taken forward with a view to the formal Section 104 consultation on the former Lochside Leisure Centre land and building;
- (iii) noted the need to carry out repairs to the building to make it water tight and authorised the Director of Infrastructure to undertake minimal repairs.
- (iv) noted the additional financial implications of deferral are as provided by the Director of Finance.

3.3 This report seeks to update the Council in terms of (ii) and (iii) above.

4. DETAIL

- 4.1 Following the agreement at the Council meeting of 24 June 2021 in Report 218/21, repairs were undertaken to prevent water ingress and resecure some areas at a cost of just under £1500 including staff time. A further order for drain clearance of leaf fall has been issued ahead of the autumn and there is an allowance for potential further works as consideration of the building continues, estimated to be £2000. The financial implications of the motion of 24 June 2021 were that the costs of any minimal works are funded from the remaining funds previously set aside for demolition (£427,000). The remaining budget is therefore £423,500.
- 4.2 The building was marketed through the council's agents, JE Shepherd, with advertising on their website commencing on 15 July 2021. Details can be found at <https://www.shepherd.co.uk/commercial/property/details/5910>. Sign boards were erected on the building and adjacent to Queenswell Road and a news release issued. The Courier and Advertiser carried an article on the opportunity to lease and STV included an item in its news coverage.
- 4.3 As at 27 August 2021, following six weeks of marketing, JE Shepherd have received nine expressions of interest involving five site visits in late August 2021.
- 4.4 The expressions of interest are from a range of individuals, organisations and businesses who are looking at leasing a mix of only part or all of the property, and in one case includes the car park which has not been declared surplus. The declared purposes range from one applicant looking for use of toilet, showers, meeting room and storage (interest in part of the building only) to potential lease of the full building for a community centre/hub.
- 4.5 At the time of writing this report, there is limited detail of the intentions of the interested parties and further discussions with the parties is required to allow a comparison of the interests and due diligence before these can be reported to Council for consideration.
- 4.6 Furthermore, as per the decision at the Special Council meeting on 19 October 2020, where members determined that for all decisions relating to Common Good Buildings, or buildings on Common Good land, members for the local area should be consulted beforehand and their views taken into consideration, there has been insufficient time or detail to effectively engage with the members.
- 4.7 In accordance with the agreed motion at the Council meeting of 24 June 2021, this report is submitted, and Members may now wish to determine which one of the five Options in Appendix 1, namely 1. Status Quo; 2. Sale; 3. Lease; 4. Community Asset Transfer; and 5. Demolition, is to be taken forward with a view to the formal Section 104 consultation on the former Lochside Leisure Centre land and building.
- 4.8 If Members are minded to make a determination, to assist Members, the previous Report 98/21 is reproduced in **Appendix 1** and Members are reminded of the following information which was provided in Report 218/21.
- 4.9 **Initial Consultation**
As set out in **Appendix 1** to this report, Report No 98/21 set out the initial consultation process

and the outcome of that consultation. As the Council chose at its meeting on 5 November 2020 to go out to public consultation on the future of the former Lochside Leisure Centre, members must 'have regard to' the responses. This means they must ensure that they have taken account fully of the views detailed in the consultation. Members are free not to follow the majority view in the consultation provided clear reasons and justifications are given for this.

4.10 The breakdown of responses to that consultation is summarised below and consisted of 334 responses:

1. 4 (1.2%) in favour of the Status Quo (Option 1)
2. 77 (23.1%) in favour of selling the former leisure centre and land (Option 2)
3. 38 (11.4%) in favour of leasing the former leisure centre (Option 3)
4. 95 (28.4%) in favour of a Community Asset Transfer of the building (Option 4)
5. 120 (35.9%) in favour of retaining the parkland and demolishing the building (Option 5)

4.11 In light of the informal consultation already carried out, the Council is duty bound to give "conscientious consideration" to the outcome of the consultation based on the principle of legitimate expectation (which establishes that where a public body states it will or will not do something, persons who have reasonably relied on that statement should be entitled to have it enforced) this means that since the Council undertook consultation in December, the Angus people have a legitimate expectation that the Council will have regard to the outcome of the initial consultation before proceeding to a section 104 consultation. It is therefore now necessary for the Council to decide on one of the five Options detailed in Appendix 1.

4.12 **Option Appraisal**

Report No 98/21 set out an appraisal of the 5 options:

1. Status Quo;
2. Sale;
3. Lease;
4. Community Asset Transfer (sale or lease)
5. Retaining the Parkland and demolishing the building.

4.13 The original appraisal in Report No. 98/21 assessed the Options against a number of criteria. The scores are detailed in Appendix 1; sub-Appendix 4 of this report.

4.14 The local Forfar members have previously been consulted on their views of the five options. Their views are reported as two members would oppose demolition of the building and support finding a community use for it; and one member wished to hear the debate and discussion at Council on the matter prior to articulating a view. One local Member has declared an interest.

4.15 In the event that Members select Option 2 (sale) it is recommended that the property is marketed in accordance with the Council's Financial Regulations prior to any formal consultation under section 104 taking place.

4.16 In the event that Members select Option 3 (lease), in light of the interest to date as set out above, it is recommended, in order to ensure any and all interested parties have the opportunity to come forward and their proposals be assessed, that a closing date for expressions of interest now be set. To allow the steps in 4.5 and 4.6 to be completed in time for the November Council cycle, it is suggested that Members agree that this closing date for interest to lease the building now be set as 30 September 2021. As of the closing date the interested parties will be required to provide firm and detailed proposals for their use of the building including rent; lease period; purpose; community benefit and any requirements from the council to undertake repairs. Due diligence will include looking at the financial and resource viability, practicability and sustainability of the proposal.

4.17 It is recommended that thereafter a summary of potential lease proposals could be presented in a report to Council on 4 November 2021 advising Council on the viability, sustainability practicability and community benefit of the various proposals.

4.18 In the event that Option 2 or continuing with Option 3 is agreed, marketing the building will not be making a decision to dispose. Officers will report back to Council on the outcome of the marketing before any Section 104 consultation takes place.

- 4.19 Members are reminded that there has been no expressions of interest in a Community Asset Transfer, (CAT) Option 4, since the building was vacated in February 2017. This option is not within the council's control to deliver.
- 4.20 For the avoidance of doubt, the future of the former Lochside Leisure Centre building will not be finally decided until the Council has considered the results of the formal consultation process under Section 104 in terms of a further report to Council, a decision is then taken on the preferred option having due regard to that consultation response and, finally, where any option is decided other than status quo, court approval is sought and obtained for that option.
- 4.21 The timescales for the formal Section 104 consultation were confirmed in Report No 98/21 with the process set out remaining unchanged as set out in Appendix 1; sub-Appendix 1. As noted in Report No 98/21, there requires to be sufficient information available about the proposal before Section 104 consultation can commence. Thus, members are asked to note the timescale for processing a Section 104 Notice may differ depending on the option chosen. Therefore, the timescales for Phase 2 have been amended to time rather than set dates.
- 4.22 Each of the Options in Report No 98/21 have been assessed for the likely timescales for implementing that Option as part of the assessment for the revenue implications (Appendix 1; sub-Appendix 4). It is important to note that these timescales start from the point in time when the Council makes a decision in terms of Recommendation v) of this report. Depending on the Option the timescales include marketing; Section 104 consultation; CAT consultation; Court approval to sell, lease or demolish the building; missives/lease negotiations and/or tendering. The **minimum** timescale for each Option is assessed to be as detailed below. It should be noted that the timescales may be longer depending on how matters develop:
1. Status Quo; Timescale - Immediate
 2. Sale; Timescale - 1 year
 3. Lease; Timescale - 1 year
 4. Community Asset Transfer (sale or lease) Timescale - 2.5 years
 5. Retaining the Parkland and demolishing the building Timescale – 1 year.
- 4.23 As per 5.3 below, financial responsibility for the building will pass to Forfar Common Good as of 12 May 2022.

5 FINANCIAL IMPLICATIONS

- 5.1 The estimated financial implications for each Option are provided in Appendix 1.
- 5.2 As Appendix 1 makes clear however assessment of the financial implications is particularly challenging in relation to those options where the Council would be relying on a third party to buy, lease or Community Asset Transfer (CAT) the building (Options 2, 3 and 4). The financial implications of any sale, lease or CAT are unknown, as is the deliverability and timescales for those options to come to fruition. The Council is required to obtain best consideration when disposing of assets unless the Council determines otherwise in accordance with statutory provision. The consultation suggests a level of interest in Options 2, 3 and 4 as with Option 5, which suggests that those options are also realistic options, but this interest would need to translate into firm offers or a CAT application to become deliverable and no such firm offers have so far been forthcoming. What is known with certainty is that running costs (mainly in non-domestic rates) continue to be payable on the building which is now subject to the Council's revised policy arrangements for the management and accounting for Common Good assets (as per Report No 138/21) and the expectation is that any running costs not met by others will fall to be met by the Forfar Common Good Fund from 12 May 2022.
- 5.3 Noting the approach to be taken to future accounting arrangements set out in Report No 138/21 for the purpose of the Option appraisal (Appendix 4 of Report 98/21) it is assumed that:
- financial transfer to the Common Good Account will be completed by 12 May 2022 (one year from Report No 138/21 decision).
 - thereafter all revenue costs attributed to the property will fall to the Forfar Common Good

- the remaining general fund allowance (originally put in place for demolition) of £423,500 remains available for demolition. In the event of retention of the building these funds will no longer be required in relation to the future of the former leisure centre and they would be returned to the General Fund revenue budget for members' consideration on alternative uses.
- 5.4 The only current budget provision for Lochside Leisure Centre is £423,500 in the capital plan for 2022/23 funded from Council Reserves (Report 71/21 approved by Council on 4 March 2021 refers). The timing of use of the budget provision (because it's coming from Reserves) can be flexible if required, i.e. it could be used before financial year 2022/23 if required subject to members approval. Any funding implications of the Members' choice of Option for the formal Section 104 consultation will be brought to the Council along with the outcome of the formal consultation.
- 5.5 Members should note the specific risks to the Forfar Common Good Fund from Options which retain the ownership of the building with the Common Good, i.e. do nothing, a lease or a CAT lease. In these Options the Forfar Common Good Fund would, as building owner, be liable for the demolition or at least making safe of the building if it became vacant, uneconomic to repair or suffered a catastrophic failure at some point in the future. The Forfar Common Good Fund may not have the funds available to pay for such works without support from Council funds. Whilst such circumstances may not arise at all or may not arise for many years into the future the history of the building is a risk which members will wish to bear in mind in considering the options.

6 RISK

- 6.1 Risks associated with each Option that the council is being asked to consider have been noted in the Option Appraisal in **Appendix 1**

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NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No 409/13 The Lease of Council Land and Buildings to Community/Voluntary Groups – Strategic Policy Committee – 25 July 2013
- Report No 151/18 - Surplus Property – Lochside Leisure Centre Policy & Resources Committee – 1 May 2018
- Report 105/18 – Community Asset Transfer Policy Development & Applications Update – Angus Council - 22 March 2018
- Report 18/21 - Common Good Funds – Project Approvals - Policy & Resources Committee – 2 February 2021
- Report 98/21 Lochside Leisure Centre – Initial Consultation Outcome and Next Steps – 18 March 2021
- Report No 138/21 - Revised Common Good Fund Policy Guidelines and Administrative Procedures - 13 May 2021
- Report No 139/21 - Lochside Leisure Centre – Initial Consultation Outcome and Next Steps -13 May 2021
- Report No 218/21 - Lochside Leisure Centre – Initial Consultation Outcome and Next Steps - 24 June 2021

List of Appendices

Appendix 1 - Report 98/21

APPENDIX 1 of 9 SEPTEMBER 2021 REPORT

AGENDA ITEM NO

REPORT NO 98/21

ANGUS COUNCIL

18 MARCH 2021

LOCHSIDE LEISURE CENTRE – INITIAL CONSULTATION OUTCOME AND NEXT STEPS

REPORT BY DIRECTOR OF INFRASTRUCTURE

ABSTRACT

The purpose of this report is to update members on the outcome of the initial consultation regarding the future of the former Lochside Leisure Centre, Forfar and the land on which it sits; to determine the Council's proposals for the building and land; and to agree to progress to formal consultation under Section 104 of the Community Empowerment (Scotland) Act 2015.

1. RECOMMENDATION

It is recommended that the Council:

- (i) notes the initial consultation process that was undertaken from December 2020 to January 2021;
- (ii) notes the outcome of that consultation as detailed in this report;
- (iii) confirms that it has the information required to make a decision regarding recommendation (iv) below;
- (iv) determines which of the Options in Appendix 4 is to be taken forward and consulted on for the formal Section 104 consultation on the former Lochside Leisure Centre land and building;
- (v) agrees to formally consult under Section 104 of the Community Empowerment (Scotland) Act 2015 on Council's preferred option for consultation;
- (vi) notes that the timing proposed for the formal consultation is dependent on the selected option;
- (vii) in the event that Option 2, 3 or 4 is agreed, confirms that minimal repairs will be undertaken;
- (viii) notes that a further report will be brought to the Council in respect of the outcome of the formal Section 104 consultation;
- (ix) notes, for the avoidance of doubt, that the future of the former Lochside Leisure Centre building will not be finally decided until the Council has considered the results of the formal consultation process under Section 104 and the further report has been presented to Council.

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to the following strategic priorities in the Angus Council Plan, we want:

- Angus to be a go-to place for businesses
- Our communities to be strong, resilient and led by citizens
- Angus Council to be efficient and effective

3. BACKGROUND

- 3.1 The former Lochside Leisure Centre, at Craig O' Loch Road, Forfar was declared surplus in Report No 151/18 to Policy & Resources Committee on 1 May 2018. The Council has no identified need for the building so the objective of this report and the appraisal of options in Appendix 4 is to determine what happens with the building in the context of it being surplus to the Council's requirements.
- 3.2 The outcome of the appeal to the Inner House of the Court of Session was that the building, as well as the land, is deemed to be Common Good. Lord Carloway stated in his judgement "The

Lochside Leisure Centre is therefore part of the common good land". The judgement means the building has always been a Common Good asset, i.e. since it was built.

- 3.3 The Council, at its meeting on 5 November 2020 considered the Report 269/20 in respect of the proposed consultation on the future of the land and former Lochside Leisure Centre, at Craig O' Loch Road, Forfar.
- 3.4 Members agreed to the proposed consultation process and detail set out in that report, subject to a visual inspection being undertaken and any material changes in the condition of the building identified from that inspection being shared with Council members prior to any consultation commencing; and the visual inspection report on the condition of the building being included in the Information Pack.
- 3.5 The Council noted that further reports would be brought forward on:
- (a) the outcome of each phase of the consultation with the public; and
 - (b) options for the future of Lochside Leisure Centre.

4. INITIAL CONSULTATION

- 4.1 The inspection requested (paragraph 3.4 above) was undertaken on 17 November 2020, and the written report provided to Members by e-mail on 2 December 2020 along with the link to the consultation web page.
- 4.2 The initial consultation (as per Phase 1 of **Appendix 1**) was launched on 3 December 2020 with a media release and social media post. More details on the consultation and social media interactions can be found in **Appendix 2**. The initial consultation closed on 31 January 2021.
- 4.3 The breakdown of responses is summarised below and consisted of 334 responses:
- 1. 4 (1.2%) in favour of the Status Quo (Option 1)
 - 2. 77 (23.1%) in favour of selling the former leisure centre and land (Option 2)
 - 3. 38 (11.4%) in favour of leasing the former leisure centre (Option 3)
 - 4. 95 (28.4%) in favour of a Community Asset Transfer of the building (Option 4)
 - 5. 120 (35.9%) in favour of retaining the parkland and demolishing the building (Option 5)
- 4.4 The Royal Burgh of Forfar Community Council and Kirriemuir Landward East Community Council responded for Option 4 - Community Asset Transfer
- 4.5 Any additional suggestions submitted as part of the consultation are included in full in **Appendix 3**. Many of these comments included the desire to see toilets provided and this is addressed in Section 6 below.

5. OPTIONS

- 5.1 The purpose of the initial consultation was to inform Council about the strength of public feeling and guide Council towards choosing one option for statutory consultation as required under the Community Empowerment (Scotland) Act 2015 ("the Act").
- 5.2 A brief option comparison for Options 1 to 5 was included in the Information Pack for the consultation. **Appendix 4** expands on the details of how each option could be delivered along with estimated timelines, cost, and risks. This includes information received as part of the consultation.
- 5.3 The inspection report identified that the roof was leaking. The requirement and provisional costs for maintenance have been identified in the options for Members' consideration if the building is to be retained.
- 5.4 At the Special Council meeting on 19 October 2020, it was agreed that where decisions relate to Common Good Buildings, or buildings on Common Good land, members for the area should be consulted beforehand and their views taken into consideration. The local members have been consulted on a draft copy of this report. Their views are reported as two members would oppose demolition of the building and support finding a community use for it; and two members wished to hear the debate and discussion at Council on the matter prior to articulating a view.

- 5.5 In light of the public consultation; the local members' views; the information set out in this report; and the Appendices, the Council is asked to determine which Option in Appendix 4 is to be taken forward for formal consultation under Section 104 of the Act.
- 5.6 The process set out for the formal Section 104 consultation remains unchanged from the Report 269/20 as set out in **Appendix 1**. There requires to be sufficient information available about the proposal before Section 104 consultation can commence. Thus, members are asked to note the timescale for processing a Section 104 Notice as set out Appendix 1 may differ depending on the option chosen. Therefore, the timescales for Phase 2 have been amended to time rather than set dates as previously stated in Report 269/20.
- 5.7 Members will be aware that the Community Asset Transfer ("CAT") process involves Members' agreement to the proposed transfer, through reports to Policy & Resources Committee. Similarly, property transactions above the delegated authority of the Director of Infrastructure are reported to Policy & Resources Committee. Noting the public interest in this property, any offer to purchase, lease or proposed CAT transfer will be reported to Policy & Resources Committee for determination in due course.
- 5.8 Members may recall that a determination has to be made as to whether the building and/or the land is alienable or inalienable Common Good. If property is inalienable Common Good property, then the consent of the court is required if the Council wishes to dispose of the land and/or the building, and that includes if it wishes to demolish the building. **Appendix 5** sets out this determination in more detail, and the impact on each option is included in **Appendix 4**.
- 5.9 In the event that Option 2, 3 or 4 is agreed, Council is asked to confirm that minimal repairs will be undertaken, to keep the building wind and watertight.
- 5.10 The future of the former Lochside Leisure Centre building will not be finally decided until Members have considered the results of the formal consultation process under Section 104 and the further report has been presented to Council.
- 5.11 Irrespective of the Council's determination on the property, a Community Asset Transfer can be submitted at any time and will be processed in accordance with the Council's policy.

6. TOILET PROVISION

- 6.1 A number of the comments in the initial consultation responses referred to the need for toilets in the locality. The provision of toilets following the closure of the leisure centre has been considered by the four local elected members as well as the Community Council for some time and various proposals have been discussed. The four local elected members supported funding a new toilet facility using Common Good funds and town centre funding, and this was approved by the Policy and Resources Committee on 2 February 2021 in Report 18/21.
- 6.2 The proposed toilets would be adjacent to the Rangers' Centre and this is subject to a formal consultation under Section 104 of the Community Empowerment (Scotland) Act 2015, which commenced on 3 February 2021 and will run until 31 March 2021. Officers will respond to the representations and depending on the nature of the representation, will, if required, revert to the Policy and Resources Committee.

7. FINANCIAL IMPLICATIONS

- 7.1 For each of the options, Appendix 4 sets out the estimated financial implications including the potential for repair and maintenance costs. As Appendix 4 makes clear however assessment of the financial implications is particularly challenging in relation to those options where the Council would be relying on a third party to buy, lease or Community Asset Transfer (CAT) the building (options 2, 3 and 4). The financial value of any sale, lease or CAT is unknown as is the deliverability and timescales for those options to come to fruition. The Council is required to obtain best consideration when disposing of assets unless the Council determines otherwise in accordance with statutory provision. The consultation suggests a good level of interest in options 2, 3 and 4 which gives confidence these are realistic options, but this interest would need to translate into firm offers or a CAT application to become deliverable. What is known with certainty is that running

costs of £51,000 p.a. (mainly in non-domestic rates) continue to be payable on the building and subject to Council's consideration of revised policy arrangements for the management and accounting for Common Good assets the expectation is that these running costs will in due course fall to be met by the Forfar Common Good Fund.

- 7.2 The Inner House of the Court of Session ruled that the former Lochside Leisure Centre building itself is deemed to be a Common Good building. A significant element of the financial implication of the option appraisal is therefore a result of the transition of the building from the General Fund to Forfar Common Good. In light of this, a decision will be needed on the approach to be taken to the transfer of responsibility/accounting to the Common Good account. As explained in Report 223/20 there is a need to amend the Council's existing accounting policies and financial management arrangements for Common Good assets as a result of the Inner House court case. Work to develop those accounting policies is ongoing with a report on the outcome planned for May 2021 which will be submitted to Council for a decision.
- 7.3 Pending decisions on the approach to be taken to future accounting arrangements and to enable comparison of options, it has been assumed for the purpose of the Option appraisal in Appendix 4 that:
- financial transfer will be completed by August 2021 (1 year from the Inner House decision).
 - thereafter all revenue costs attributed to the property will fall to the Forfar Common Good account from September 2021
 - the general fund allowance (originally put in place for demolition) of £427,000 remains available but the future use of this funding will need to be guided by the revised accounting policy proposals to be brought to Council in May 2021. If these funds are no longer required in relation to the future of the former leisure centre they would be returned to the General Fund revenue budget for members' consideration on alternative uses.
- 7.4 The only current budget provision for Lochside Leisure Centre is £427,000 in the capital plan for 2022/23 funded from Council Reserves (Report 71/21 approved by Council on 4 March 2021 refers). The timing of use of the budget provision (because its coming from Reserves) can be flexible if required, i.e. it could be used before financial year 2022/23 if required subject to members approval but its use will need to be informed by the revised accounting policy referred to above. Any funding implications of the Members' choice of option for the formal Section 104 consultation will be brought to the Council along with the outcome of the formal consultation.
- 7.5 The financial implications of the consultation process are unchanged from those set out in Report 269/20.
- 7.6 Members should note the specific risks to the Forfar Common Good Fund from options which retain the ownership of the building with the Common Good, i.e. do nothing, a lease or a CAT lease. In these options the Forfar Common Good Fund would, as building owner, be liable for the demolition or at least making safe of the building if it became uneconomic to repair or suffered a catastrophic failure at some point in the future. The Forfar Common Good Fund may not have the funds available to pay for such works without support from Council funds. Whilst such circumstances may not arise at all or may not arise for many years into the future the history of the building is a risk which members will wish to bear in mind in considering the options.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No 151/18 - Surplus Property – Lochside Leisure Centre Policy & Resources Committee – 1 May 2018
- Item 5 of the minutes of Special Meeting of Council meeting on 19 October 2020
- Report 269/20 - Lochside Leisure Centre – Consultation - Angus Council 5 November 2020
- Report 18/21 - Common Good Funds – Project Approvals - Policy & Resources Committee - 2 February 2021.

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List of Appendices:

Appendix 1:	Consultation Proposals
Appendix 2:	Details of Consultation
Appendix 3:	Consultation Comments
Appendix 4:	Option Appraisal
Appendix 5:	Legal issues

APPENDIX 1 to Council Report 18 MARCH 2021

CONSULTATION PROPOSALS

Phase 1 - Informal Consultation

Purpose –

- Provide information.
- Listen to, acknowledge, and respond to concerns and aspirations.
- Obtain public feedback on alternatives
- To assist the council in deciding which proposal will progress to formal Section 104 of the Community Empowerment (Scotland) Act 2015 consultation

Techniques	What	How	Timescale
Provide factual Information to inform the public consultation	<p>An Information Pack with summary information including:</p> <ul style="list-style-type: none"> • History of building and defects • Interest in building to date • Summary of court cases • Historical asset information such as energy /rates /maintenance <p>with links to further detailed information on Angus Council's website, including engineering report; previous council reports and court cases</p>	<ul style="list-style-type: none"> • On site notices advising of process and where further details can be found; • Publish on Angus Council's Website; • Publish on Angus Council Social Media feeds; • Invite other social media community groups to share; • Hardcopies available in all council libraries and Forfar Community Campus; • Public drop-in session with displays in Reid Hall • Send (digitally) to all known community organisations in Forfar district 	Complete Information Pack by late November
Present Options for consideration and prioritising	<p>Framework of options for the former Leisure Centre with opportunities, risks and where available outline any financial / affordability considerations:</p> <ul style="list-style-type: none"> • Status Quo; • Sale; • Lease; • Community Asset Transfer; • Demolish; • Other Ideals/Opportunities (from consultees); • Wider options for Forfar Loch 	<p>Options Appraisal style including criteria, risk; and costs, provided as part of the Information Pack distributed by the means detailed above.</p> <p>Digital engagement tools such as Social Pinpoint</p> <p>Supported digital and Non-digital options</p>	Part of Information Pack
Provide means of feedback on Options	Use a facilitated Focus Group formed from community group stakeholders	Using voting tools such as Survey Monkey with support to residents in the drop-in session or directly through on-line voting	<p>'Drop In' session mid December.</p> <p>Input open for 8 Weeks (noting Christmas break)</p>

	'Drop In' event in Reid Hall, with social distancing as far as permitted and appropriate within the relevant Covid regulation. Display the information & Options as above. Non-digital feedback. Digital system to select options or suggest alternatives		Close of selection of options by end of January 2021
Analysis of feedback and report results	Compile record of selection; new opportunities; and feedback comments. Document the above and make publicly available (as part of Council Report) Report to Council	Publish responses through same means as Information Pack was distributed above. Council Report	By mid-March 2021 Target date of 18 March 2021 Council Meeting

Phase 2 - Formal Consultation

Purpose –Formal consultation under Section 104 Community Empowerment (Scotland) Act 2015

Techniques	What	How	Timescale
Publish proposals and invite representation	Publish preferred Council option following report to 18 March 2021 Council meeting	<ul style="list-style-type: none"> On site notices advising of process and where further details can be found; Publish on Angus Council's Website; Publish on Angus Council Social Media feeds; Invite other social media community groups to share; Hardcopies available in All Libraries; Forfar Community Campus; Send (digitally) to all known community organisations in Forfar district 	Timescale 10 weeks
Receive, and collate representation	Compile record of representations and feedback comments. Document the above and make publicly available (as part of Council Report)	Publish responses through same means as above.	Within 8 weeks of receipt
Respond to representations	Respond to any representations received		Within 8 weeks of receipt
Report to Council to confirm or amend proposals.	Report outcome of formal consultation to Council	Report to Council	Earliest available Council meeting
Publish decision	Publish the decision on the proposal and any changes which will be made	Notify community bodies and anyone who has made a representation	Following Council Meeting

In case of amendment that is materially different from the original proposal repeat the above process	Repeat Phase 2 process above	As above	Further 8 weeks consultation, plus reporting
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DETAILS OF CONSULTATION

Consultation Process

An Information Pack was provided summarising the items in Appendix 1 with links to further detailed information including engineering reports, previous council reports and court cases. The inspection report requested by Members was also included. The Information Pack provided links to

- The independent engineering reports by Millard Consultancy with permission of Guild Homes (Tayside) Ltd
- Morgan Associates report commissioned for the council
- council reports and data.

The Information Pack also included a framework of options for the former Leisure Centre with opportunities, risks, and financial considerations.

A consultation response document was prepared which allowed responders to choose from the framework of options and suggest other options, as well as stating if they had an interest in the building and giving details of that interest, whether to buy or lease the building, or, apply for a Community Asset Transfer of the building.

The Information Pack and Consultation Response were published on Angus Council's Website 'Have Your Say'.

Hard copies of the Information Pack and Consultation Response were provided at Forfar Community Campus and council libraries.

Site notices were displayed around the former Lochside Leisure Centre throughout the consultation period. Details were published on 'Tell Me Scotland' website linking to how response could be made.

The initial consultation was launched on 3 December 2020 with a media release and social media post linking to the council's "Have Your Say" consultation site which was also highlighted on the council's website. More details of the social media interactions can be found in in this Appendix.

The public drop-in session with displays proposed for the Reid Hall, was not feasible within the Covid19 restriction that were implemented during the consultation period. Printable copies of the consultation response were made available on the website and a dedicated telephone line was set up to allow people to submit their option choices by phone. Media releases publicised the details.

The Royal Burgh of Forfar Community Council were notified. Community groups across Angus along with all Community Councils out with Forfar, were informed of the consultation. A virtual meeting was held with the Royal Burgh of Forfar Community Council on 12 January 2021.

The Council's social media "reach" is detailed for the various posts as set out in this Appendix. The posts were shared in excess of 30 times and would have reached a much wider audience than the figures quoted.

The posts were helpfully shared on Save Lochside Leisure Centre with over 2880 Facebook followers and Working with YOU in Angus with over 360 Facebook followers.

The consultation was initially reported in the Courier on 8 December 2020, and the council made a further social media releases at approximately weekly intervals with further press coverage.

The initial consultation closed on 31 January 2021.

This Council report fulfils the requirement to publish the representations that the council receives. All those that responded to the consultation and requested to be kept informed (220 responses) will be notified of the decision of the Council and the next steps to be taken.

Consultation Responses

The initial consultation response resulted in:

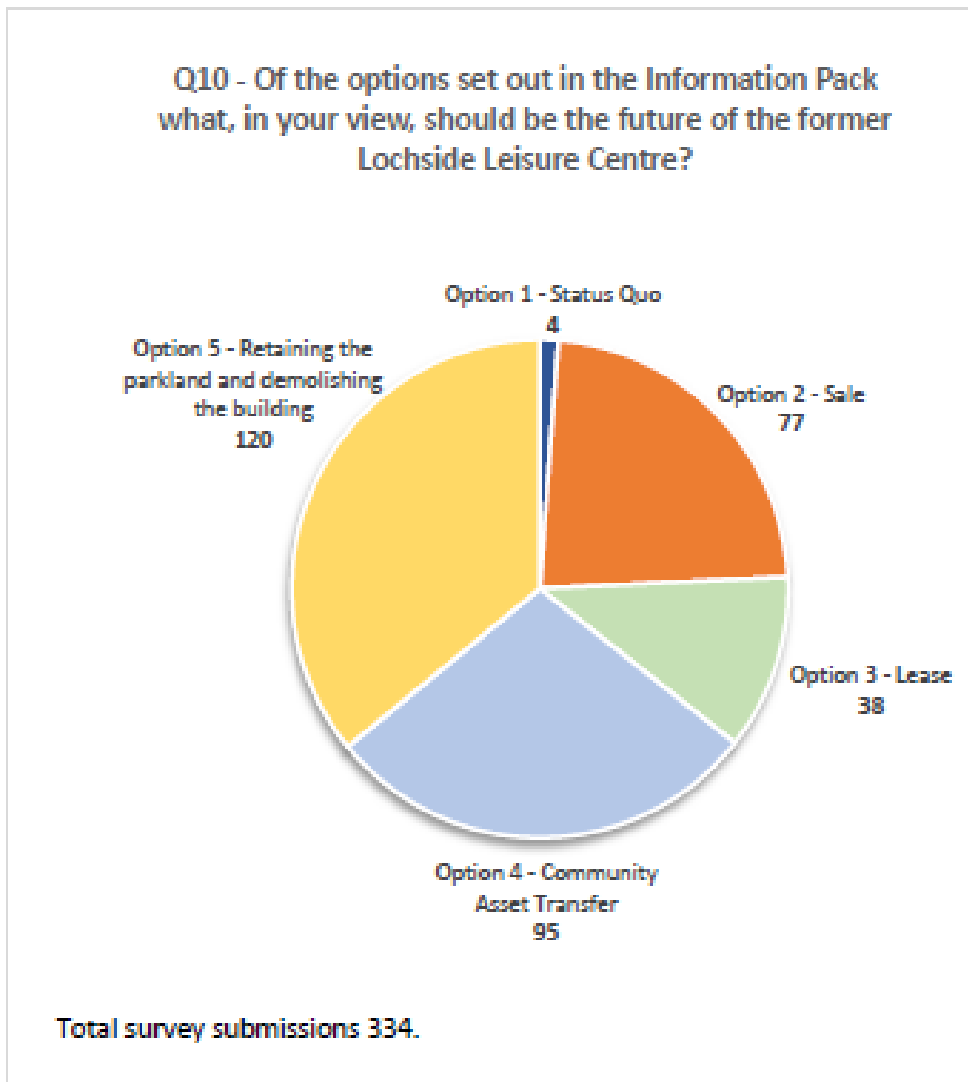
- 330 responses on the council's "Have Your Say" website
- 4 responses in writing (one of which was by e-mail)
- 0 responses by the telephone line set up due to Level 4 Covid19 restrictions

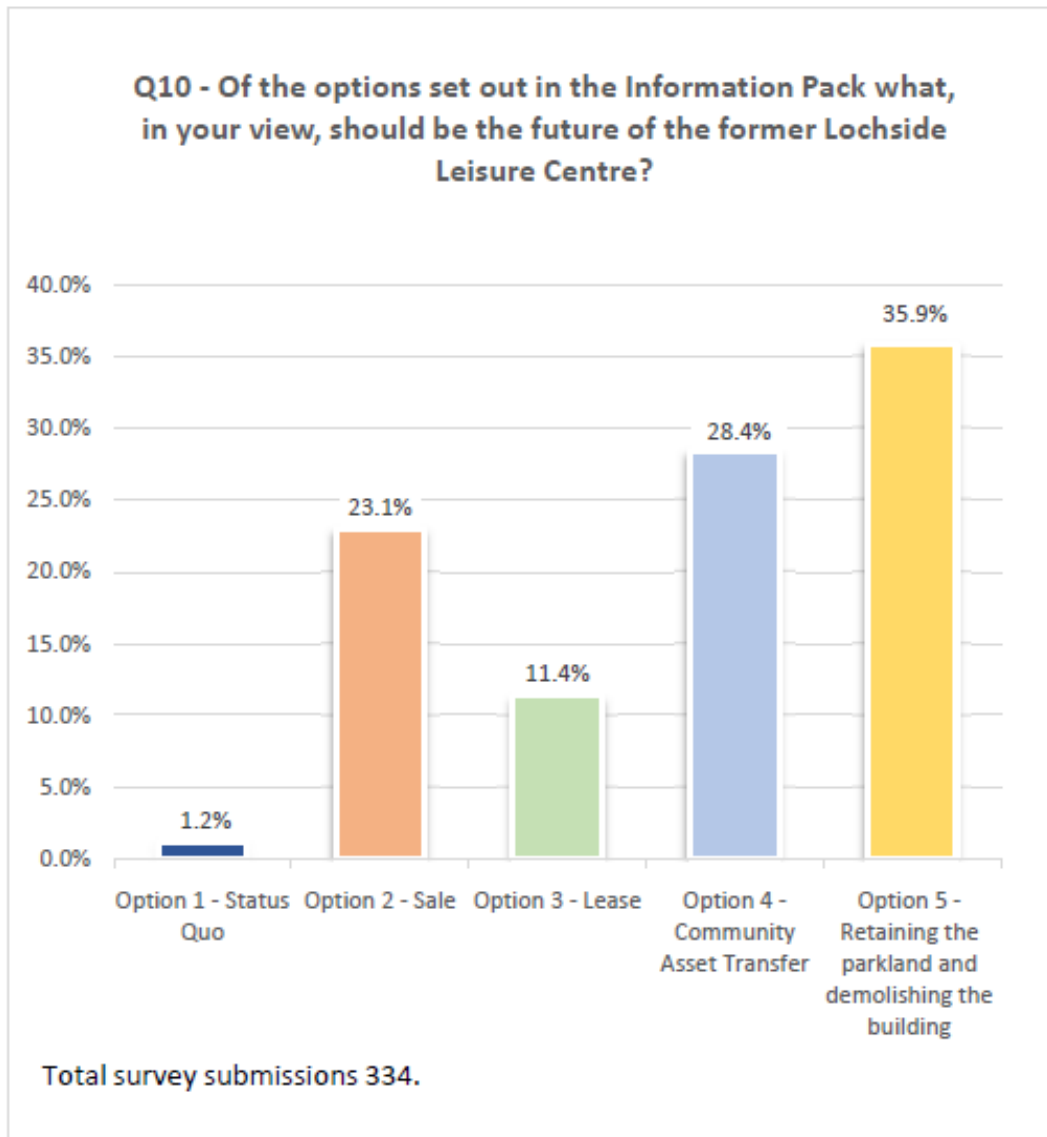
There was one inquiry by e-mail, and one letter received along with the consultation response.

The breakdown of responses is summarised as below and consisted of the 334 responses:

6. 4 (1.2%) in favour of the Status Quo (Option 1)
7. 77 (23.1%) in favour of selling the former centre and land (Option 2)
8. 38 (11.4%) in favour of leasing the former centre (Option 3)
9. 95 (28.4%) in favour of a Community Asset Transfer for the building (Option 4)
10. 120 (35.9%) in favour of retaining the parkland and demolish the building (Option 5)

The results are shown in the pie and bar charts as follows:





The Act is not restrictive on who may make representation on a Section 104 consultation and the recorded responses to the initial consultation are therefore all responses received irrespective of the location of the respondents. For comparison purposes only analysis using just DD8 postcodes (Forfar, Kirriemuir and landward) gives a similar pattern of preferences and whilst Option 2 Sale remains the third choice it is slightly higher than the full number of responses, whilst Community Asset Transfer is slightly lower and demolition marginally lower than the full number of responses.

Of the options set out in the Information Pack what, in your view, should be the future of the former Lochside Leisure Centre?	Total	%	DD8	%
Option 1 – Status Quo	4	1.2%	4	1.4%
Option 2 – Sale	77	23.1%	70	24.4%
Option 3 – Lease	38	11.4%	33	11.5%
Option 4 – Community Asset Transfer	95	28.4%	78	27.2%
Option 5 – Retaining the parkland and demolishing the building	120	35.9%	102	35.5%
Total	334	100.0%	287	100.0%

The DD8 analysis shows that 85.9% of respondents came from a DD8 postcode. Of the others -0.9% were DD 2, 3 or 4; 3% DD5; 0.3% DD7; 4.5% DD9; 1.5% DD10; 3.3% DD11; 0.6% out with DD post code areas.

Lochside Leisure Centre Communication Report

Between 3 December 2020 and 31 January 2021, Angus Council shared news about the Lochside Leisure Centre survey on social media. Below are the results.

- Total Reach on Facebook: 55.9k
- Total impressions on twitter: 6,221

As a point of reference, these represent average to good engagement for council social media posts

Summary of the posts on Facebook

3 Dec 2020 – 9.9k reach

Have Your Say on The Future of Lochside Leisure Centre We are seeking your views on the future of the former Lochside Leisure Centre, and the land immediately around it in Forfar Loch Country Park, Craig O'Loch Road Forfar. We're asking the communities of Forfar and Angus, what they think the future use of the building and land should be. The land and the building belong to the people of Angus. Leader of Angus Council, Cllr David Fairweather said, "To be clear, the council is not asking citizens what they want the council to use it for, because the building has been declared surplus to Angus Council's requirements and it has no use for it. "The council is asking what residents think is best for this location. This initial consultation is looking at what people see for the future of the building, the land and who may potentially operate the building." The consultation is asking how residents want to make this happen, not what they ultimately want the building to be. For example, if someone wanted it to become a restaurant, the building would have to be taken over by a private business through a sale or a lease so they would select 'sale' as their choice of option. This is just one of five possible outcomes that the council has outlined for the building within the consultation, along with the positives, negatives and associated costs. There is the opportunity for residents to put forward their own suggestions. This initial consultation runs from today, Thursday 3 December 2020 and closes on 31 January 2021. A summary of the responses will be reported to the Council, with the target date of 18 March 2021. Find out more and how to have your say - https://www.angus.gov.uk/news/have_your_say_on_the_future_of_lochside_leisure_centre

9 Dec 2020 – 9.3k reach

Have your say on the future of Lochside Leisure Centre We are looking for your views on the future of the former Lochside Leisure Centre, and the land immediately around it in Forfar Loch Country Park, Craig O'Loch Road, Forfar. The consultation is asking how you want to make this happen, not what they ultimately want the building to be. For example, if someone wanted it to become a restaurant, the building would have to be taken over by a private business through a sale or a lease so they would select 'sale' as their choice of option. This is just one of five possible outcomes that we've outlined for the building within the consultation, along with the positives, negatives and associated costs. There is your opportunity to put forward your own suggestions. This initial consultation closes on 31 January 2021. https://www.angus.gov.uk/directories/current_consultations/future_of_former_lochside_leisure_centre_consultation

21 Dec 2020 – 5.6k reach

Have your say on the future of the former Lochside Leisure Centre by completing our online questionnaire https://www.angus.gov.uk/directories/current_consultations/future_of_former_lochside_leisure_centre_consultation

23 Dec 2020 – 7k reach

Level 4 restrictions which come into effect from Boxing Day – Saturday 26 December - mean that face-to-face opportunities to consult on the future of Lochside Leisure Centre will not be possible. Angus residents are asked to complete the Lochside Leisure Centre consultation online (<http://bit.ly/3aPdPxx>). It was planned to hold focus group meetings, public "drop-in" sessions and paper copies of the survey have been available via ACCESS drop-in services at Forfar and other burgh libraries. Due to the tightening of restrictions which are aimed at minimising the spread of a new, highly contagious strain of coronavirus, these options are no longer possible. As an alternative to filling out the survey online, a hardcopy version of the questionnaire can be printed off, completed and posted to: Angus House, Orchardbank Business Park, Orchardbank, Forfar, Angus, DD8 1AN. If you know someone who, for whatever reason, is unable to complete the online survey but who wants to take part in this consultation, please let them know of this development and assist them wherever possible – perhaps by printing a hard copy of the questionnaire for them (<http://bit.ly/2KQNRi9>). We hope to be able to provide further assistance following the festive holiday and will issue further details in due course. The consultation, seeking the public's views on the future of the former Lochside Leisure Centre, and the land immediately around it in Forfar Loch Country Park, Craig O'Loch Road, Forfar opened earlier this month and is open until Sunday 31 January 2021. Angus Council

is asking the communities of Forfar and Angus, what they think the future use of the building and land should be. The land and the building belong to the people of Angus. A summary of the responses will be reported to the Council, with the target date of 18 March 2021. Information can be found on the Council's website under our Have Your Say section on Lochside Leisure Centre (<http://bit.ly/3aPdPxx>) and includes historical reports into the conditions of the building. The Council would like to thank Guild Homes for sharing structural reports, which it commissioned, for inclusion in the information pack.

8 Jan 2021 – 10.1K reach

Have your say on the future of Lochside Leisure Centre We are looking for your views on the future of the former Lochside Leisure Centre, and the land immediately around it in Forfar Loch Country Park, Craig O'Loch Road, Forfar. The consultation is asking how you want to make this happen, not what they ultimately want the building to be. For example, if someone wanted it to become a restaurant, the building would have to be taken over by a private business through a sale or a lease so they would select 'sale' as their choice of option. This is just one of five possible outcomes that we've outlined for the building within the consultation, along with the positives, negatives and associated costs. There is your opportunity to put forward your own suggestions. This initial consultation closes on 31 January 2021. https://www.angus.gov.uk/news/lochside_leisure_centre_consultation_update

12 Jan 2021 – 5.8k reach

A Lochside Leisure Consultation phone line is now open to assist anyone needing help to complete the survey. This support measure is as a direct result of Level 4 COVID-19 restrictions that ruled out face-to-face opportunities to consult on the future of the leisure centre in Forfar. The Lochside Leisure Centre consultation (<http://bit.ly/3aPdPxx>) is open until Sunday 31 January. It can be completed online, or a hardcopy version of the questionnaire (<http://bit.ly/2KQNRi9>) can be printed off, completed and posted to: Angus House, Orchardbank Business Park, Orchardbank, Forfar, Angus, DD8 1AN. The dedicated phone line is now also available to anyone needing assistance. The number is 01307 494736 and is available Monday to Friday between 2pm and 4pm. Information can be found on the Council's website under our Have Your Say section on Lochside Leisure Centre (<http://bit.ly/3aPdPxx>) and includes historical reports into the condition of the building. The Council would like to thank Guild Homes for sharing structural reports, which it commissioned, for inclusion in the information pack.

26 Jan 2021 – 8.2k reach

The Lochside Leisure Centre consultation will close this Sunday (31 January) as scheduled. If you haven't taken the opportunity to Have Your Say and still want to get involved, please go to the consultation web page - <http://bit.ly/3aPdPxx> - for further information and advice. A dedicated phone line is also available to assist anyone needing help to complete the survey. The number is 01307 494736 and is available up to this Friday between 2pm and 4pm. Information can be found on the Council's website under our Have Your Say section on Lochside Leisure Centre (<http://bit.ly/3aPdPxx>) and includes historical reports into the condition of the building. The Council would like to thank Guild Homes for sharing structural reports, which it commissioned, for inclusion in the information pack.

Summary of Tweets

Engagement rate of 1% or above is classed as great.

8 Jan 2021 – 2,151 impressions, 6.6% engagement rate

We are looking for your views on the future of the former Lochside Leisure Centre, and the land immediately around it in Forfar Loch Country Park, Craig O'Loch Road, Forfar. This initial consultation closes on 31 January 2021.

[https://www.angus.gov.uk/news/lochside_leisure_centre_consultation_update ...](https://www.angus.gov.uk/news/lochside_leisure_centre_consultation_update...)
<pic.twitter.com/2luYvSNFJt>

12 Jan 2021 – 1,729 impressions, 3.5% engagement rate

A Lochside Leisure Consultation phone line is now open to assist anyone needing help to complete the survey. <bit.ly/3q5WcxA> <pic.twitter.com/29fjpl0sPF>

26 Jan 2021 – 2,341 impressions, 4.0% Engagement rate

The Lochside Leisure Centre consultation closes this Sunday (31 January). If you've not taken the chance to Have Your Say and still want to get involved, please go to the consultation web page - <bit.ly/3aPdPxx> - for further information and advice. <pic.twitter.com/UQstxDr2BP>

APPENDIX 3 to Council Report 18 MARCH 2021

CONSULTATION COMMENTS

Of the 334 responses, five were responses on behalf of a community group, and all five of these respondents stated that their organisation had an interest in the property. Guild (Homes) Tayside Ltd also expressed an interest in the building. No other community groups stated they had an interest in the property. The five are:

- Tayside Musketeers Basketball Club
- Royal Burgh of Forfar Community Council
- Kirriemuir Landward East Community Council
- Phoenix Forfar Gymnastic club
- Brechin Boxing Club

The Consultation included Question 14 – “Do you have an alternative idea or opportunity which is not covered above?” The responses below were provided and are reproduced in full and unedited against the relevant opportunities.

Responses from those respondents choosing Option 1 – Status Quo

Arcade
Indoor play area, cinema etc.
Make it into cinema or something for the children

Responses from those respondents choosing Option 2 - Sale

All council building's or assets that are unused or surplus to requirements should be sold off or be subject comunity asset transfer where appropriate. Money from sales of building's should be used to fund building of new homes. Councils sold off homes at great discount for many years but failed to build new homes to replace their housing stock. Angus Council should consult the public openly on places like lochside leisure centre, this has been a total farce and a waste or thousands of pounds of taxpayers money which could have been better spent elsewhere..
Allow people of Forfar to purchase shares in the property and have a say in a new use that Will benefit all in the local area
Children's indoor play facility
Council bringing together interested groups to lease building
Ensure there are public toilets available for use with the country park and play park.
I think the property should be either knocked down and a visitor centre built in its place...similar to the one in Montrose. Or convert existing building. Whatever goes on the site should have toilet and cafe facilities. The loch is such a beautiful place with so mych wildlife we should be showcasing it.
In future, before the Council agree to any new developments which cause Council owned property to become redundant, full provision for what must happen to the redundant property must be discussed, considered and agreed prior to any progress made with the new proposal. Therefore, had the council employees and the elected members been more cost conscious and proactive at the outset, this matter would have been settled with minimal cost to the people of Angus. A more commercial and business focus is required, after all, it is the Angus residents who end up paying for costly mistakes like this. Why was the building closed and sit empty for two years before the Council made a decision on what to do with the vacant building? No urgency at this time to save the people of Angus any unnecessary costs. I would urge those responsible to hang their heads in shame and for once, 'learn the lesson.
Let someone buy it and get it back in use
More opportunity should be given for discussion of options. condition should be placed on the sale that toilet and refreshment provision should be provided on the site in perpetuity

Refit the interior with Offices and move Council staff to it as the Orchardbank offices are apparently not big enough.
Sell building only to private owners with caviate existing access rights are retained as they are.
Sell it and let the public decide what happens to the building that rightfully belongs to the people of Forfar
set timescale for sale (6 months plus time to conclude legals), if no interest revert to option 5
Surely if the building is fit it can be used to benefit the community some how ??
The cost of demolition seems expensive when it could be sold for use as a gymnasium as it is in this format already. Angus council or another housing company could convert it to a series of rooms for street sleepers or the needy who are looking for a room to themselves. A sloping floor or cracks in the external masonry would not put off people who are desperate for somewhere to live.
The people of Forfar want this building to remain so many things could be done with it.
The site would be ideal for a hotel. This would mean demolishing the current building and new build. It would attract tourism .
Turn the building into something which will be of benefit to the local community - Cinema perhaps. Aberfeldy is an excellent example!
Would be good to see it as a cinema/soft play area or sports area again
Youth club/ Community Centre. Sports hall

Responses from those respondents choosing Option 3 – Lease

A leased cafe and community arts space via a novel corporate arrangement should be considered.
Charitable Trust as Mark Guild tried to discuss with Angus Council.
Community groups / cafe / toilets /
Community hub with affordable rent to community arts or sports providers, clubs or organisations. Near the playpark and lochside it is in a better location to provide community access than the school campus
I do feel a place that all ages can enjoy as a over 40 there is nothing to do it would be good chance to being things into Forfar that would keep money in Forfar than going to Dundee and other places. Small cinema with the latest films showing. general Hub that people can come together. Toilets and café to enjoy before or after a walk round the loch, rather than walking up to Service area on the Glamis road.
I think of 2, 3 or 4 get the majority there should be a time limit / application deadline so it does not turn into option 1 in the long term.
I worked there for over 10 years , this building has alot of memories for people. We all now know that this building is safe and can be used for the community. Demolishing should not be an option. Sale it for fun activities for community or lease for other ideas.
Its sad seeing this iconic place with shutters on it,,, let someone lease the place an make good use of this little gold mine of a place for someone to open doors,, Cafe, eateries,, toilets,, holiday site next to it,,, please lease it out an get our quaint little town with its surroundings prosper for the Angus community,,, ie forfar,, ,,
Lease to different clubs in Forfar
no but 4 is also a good option
Outdoor Activities and Survival in the wild courses etc A guy by the name of █████ runs a company called █████ or someone he knows may be interested.
Reopen. It's better than the new place
Used for the community by the community as a cinema, youth hub, etc

We would assist any interested community group in setting up a charitable trust to utilise the building for the public interest

Yes I feel as though angus council could use the land situated in the old leisure centre facilities to build a indoor door skate park like the factory skate park which recently shut down which would bring a lot of attention to the facilities If they were to create a indoor bike park . They could use the land in which the old skate park sits to build A Bike park/ skill loop around this area as the old skate park could do with a revamp in which all members of the community could use the new space as the council could create a various set of different set of skill levels loops so all members feel as tho there is something that they could use which could also open up the opportunity for the council to expand on the popularity of mountain bike across angus

Written response to the consultation for Option 3 on behalf of Guild Homes (Tayside) Ltd is provided overleaf. The referenced letters are not included.

GUILD

Chapelark House, 17 Academy Street, Forfar DD8 2HA
Tel: (01307) 460011 Fax: (01307) 460022

HOMES (TAYSIDE) LTD.

"Your Assurance of Quality" Email: info@guild-homes.co.uk Web: www.guild-homes.co.uk

Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN

29th January 2021

Dear Sir/ Madam,

**Lochside Leisure Centre
Consultation Response**

We attach our consultation response form along with the following letters which clearly outline our objectives for Lochside Leisure Centre (LLC):

- Our letter of 07/08/20 which also encloses our letter of 14/03/19 clearly shows our willingness to form a charitable trust to lease LLC from Angus Council in order to safeguard the building and allow it to be used by the community. Neither letter was responded to.
- Our letters dated 15/01/21, emails 11/01/21 and 13/01/21 and letters 28/08/20 and 07/09/20 show our various access attempts to view the current condition of the building after 4 years of being left vacant. To date access has been refused so we have been unable to consider any possible use for the building.

In short, we wish to work with the local community and Angus Council to safeguard LLC for the benefit of the community.

In order to work with Angus Council, Angus Council have to be prepared to work with us. From a review of the consultation information pack, it would appear this is more a consultation for demolition than it is a consultation for a resolution. The presentation via photographs, maintenance costs, rates costs and the general lack of encouragement from the council will likely result in a lack of potential options coming forward.

There appears to be £430,000 of public money available to demolish LLC and remove this asset from the public but not a penny towards assisting the public in doing something with the building. we have tried to work with Angus Council but have come to realise that this is not an option.

We are keen, however, to assist in the creation of a charitable trust or to assist an existing charitable trust or trusts to work with the local community to safeguard LLC for the community benefit and would be delighted to donate significant monies to the cause should any interested parties come forward.


All we would ask of Angus Council would be to return the building to the 'fit for purpose' condition they left it in when they closed the doors in February 2017. We believe as custodians of LLC they

have been entrusted by the public for the last 4 years to safeguard and maintain it. If there are interested parties the least the council could do is return the building to the condition it was left in 4 years ago.

If the council are prepared to give the community something, they can work with then we are prepared to assist the community in any way we can to help make things happen. It is a win, win situation for everyone.

We would request that any publication of the consultation results to the public should include this letter and its attachments.

Yours faithfully,

A black rectangular box redacting the signature of Mark Guild.

Mark Guild
Managing Director

Responses from those respondents choosing Option 4 - Community Asset Transfer

Activity centre for Loch with climbing wall and paddle boats and rowing boats and cafe- forrest school and preservation events and training. All the other angus towns have spectacular wood and sand play parks for the kid and the loch side park is truly a sad offering. The teens need something and the young ones deserve better
Adaptation to lower part for public toilet/warden storage/use by youth groups who would pay rent
Anything community based would be supported by myself in time also
As regards the land I emailed [REDACTED] with the proposal to provide the land for development into allotments. See our attached proposal sent to [REDACTED]
As you've wasted tax payers money on this should be a community asset as you've proved before that what you were saying about this building was wrong.
Cinema or zap zone or Trampoline park
Community Centre like the one in Tayport
Community hall
Could be used for a nursery from birth to 4 years, plus after school care, along with a soft play area with cafe
Create a hospitality training centre/local eating, social and entertainment hub/not for profit enterprise linking Dundee & Angus College, Angus Volunteer Centre & commercial training organisations and plough the remaining profits back into the local community
Currently run Brechin Boxing Club, we are looking at growing this to other areas such as Forfar and are looking to open up as a community run group to allow other groups/clubs the opportunity to use the space which will be affordable and look at possibilities of a community run cafe on site that allows persons with disabilities the opportunity to be able to work when they may find it hard to gain employment. possibilities
Homeless shelter or safe place for abused men or women.
https://www.gov.scot/policies/regeneration/capital-investment/
It should have a cafe, rooms for kids and a community run business , I'd be happy to set one up and apply for grants and funding
It's not as simple as one option both option 3 and 4 should be on the table going forward.
Make it into a community cinema, if it is left in its current state much longer it is likely to become the next victim of an arson attack
no but i would be interested in artist spaces but that would come under option 4...
Option 4 or 5. I think to sell and not know the future would be heartbreaking loss. The loch is a huge part of Forfar's identity it is sad to see the derelict building now attracting people there drinking and taking drugs in full view of the park where I take my girls to play.
Please just agree to whatever the people of Forfar wish - absolute disgrace brought upon Angus by this shambles, not to mention the expense. Pretty poor consultation paper also.
Something which involved public toilets and a cafe given the popularity of Forfar Loch for families. We regularly spend time there walking the dog but its a massive inconvenience that there is now no toilet facilities
Tayside Wide Basketball Academy
The Caravan Site, as mentioned, is currently leased to the Caravan Club on a long term lease. Use of the building could be allied to that lease. The establishment of a 'Sinking Fund' by any Lessee or, even Council itself, with possible use of an Insurance Policy could alleviate any long term costs if building was subsequently of little repairable value. Any CAT could be on a Lease as best possible option. Any Charity taking on a CAT would obviously benefit from Rates relief. The building would act for multi-functioned activities, with commercial as well as charitable use. There will be many businesses reviewing their own office accommodation as a result of COVID with possibilities such as shared, hot desk space and the building could offer numerous facilities.

The centre if it can be saved should be used as a community hub to help with training towards job, enterprise, new business start up and other social problems. Or it could become a local craft/arts centre to provide small start ups a chance to get up an running.
Used as centre to showcase Forfar/Kirriemuir as well as including rental of units for creative arts, tourism info, food & drink, outdoor activities and leisure eg rental of electric bikes etc. Could also be used to rent out smaller units to some third sector organisations as heart of community with meeting areas/small cafe
Youth centre

Written responses for Option 4

I am now writing as an individual regarding the future of the Lochside Leisure Center.

I understand from a user of the new campus at the academy that in normal times it can be fully booked for certain activities. It is situated at the north end of the town with a substantial new development next door which would increase the footfall whereas the south end of the town also with new developments has nothing to offer young people's free time.

In my opinion to demolish a perfectly good building with all the infrastructure intact which is reported to have at least 30 years life left in it would be sheer wanton vandalism of a perfectly good asset. In the hands of good management it could return to be the answer to the lack facilities for young people in that end of the town and beyond.

Would that be an opportunity to develop allotments on the ground there. I am aware ,specially during this pandemic, that a lot of people who do not have the facility at their home, would welcome an opportunity to grow their own. It would be a win,win solution both for supplying their families with fresh produce and good for their mental health as well perhaps with being laid off work etc.. It could perhaps develop a fellowship with other users.

Responses from those respondents choosing Option 5 - Retaining the parkland and demolishing the building

A large upmarket restaurant, bar and nightclub with function room. Forfar needs an appealing nightlife for its varied and younger residents.
After demolishing the buildings the whole area including the pitch n putt should be rewild
Also remove the large soil bunds to give a view of the Loch from Queenswell Road for residents
Bigger play area for the children
Build a Hotel and Restaurant with funtion room with beautiful views which would bring people into Forfar and help the local economy.
Build new Ranger building with cafe and toilets
Demolish and build a proper skate and bike park bigger playground like Camperdown and Peter Pan park.
Demolish building and either extend playpark or maybe a good idea for coffee shop which would benifit holiday makers and walkers around the loch
Demolish the building and have a cafe/restaurant with toilet facility built in a suitable location.
Demolish the unsightly building and use the area for a paddling pool, skate park, cafe area like some other areas in Angus already have
Doesn't sound safe for a structure, how about a carpark for tourist busses, charge points, picnic spots undercover, like at Tentsmuir , but with BBQ chimneys, demolish but not into "parkland"
Extend the woodland and path network instead of having that eyesore building present on our beautiful Forfar lochside.
I think that public toilets and facilities to wash boots, hose off dogs etc would be of great benefit to all users of the country park
Information center/cafe/toilets

Is there an opportunity for partial demolition i.e Demolish the north facing side squash court whole side basically cutting the building in two leaving the dance hall side etc for community asset transfer use or facility to provide private or community investment for the benefit of the public and users of the caravan park.
it would be good to have a nice seating area and toilets on the parkland
Keep parkland in public hands and use centre footprint after demolition for toilets and/or small cafe or community projects
keep the land as common good, retain carpark for visitors and have toilets. Perhaps consider allow spaces for good quality mobile beverage/food vans to rent daily/weekly/monthly gaining some income and definately Plant around up for nature and the environment.
Knock the building down, it's now an eye sore in the midst of a lovely area. The kids play area needs to be expanded. Many of the other large towns in Angus have much better play areas than Forfar. Use the land to develop this for our young children. Perhaps just a small building for a coffee shop/takeaway to occupy to entice people to spend time in forfar near the beautiful loch area
Only demolish part of the building (the structurally unsound) and support remaining with new, modern infrastructure- if feasible.
Or option 4
Outdoor activity space
Pakland improvements. Create a gateway to Forfar Loch. Potential increased community use of open space initially providing greater links to the town centre.
Provide toilet facilities at the site
Pull the building down and make a larger rangers centre similar to one at Montrose which can be used by the schools for educational purposes aswell as bring in people from other areas who would be keen to know more about the loch. Providing a snack bar and toilets in the facility would be beneficial aswell. The old building is an eye sore.
Re- landscape and plan trees in park for benefit of community
Refurbish and make new
Replace it with a toilet, cafe and visitors centre
Retain services to existing building. Build a ranger /wildlife watching station, include toilet cafe facilities. Fund through Forfar common good and SG environmental improvements. Get locals involved in design/build etc.
The building has to go. It's a complete carbuncle. Let someone build a nice cafe/ restaurant overlooking the loch instead by all means but knock it down !
There is a need for public amenities for those that are visiting and walking round the Loch.
Toilets and a wee cafe might be good, but otherwise just keep the parkland and demolish that ugly monstrosity of a building.
Turn Lochside into an Angus destination. Something like Storybook Glen or Brechin Garden Centre.
Very ugly building - spoils the view of the loch.
We have a brand new Leisure Centre . Why do you want to up keep a building that will need a lot of money to up keep it
While I think the sale is the realistic option - retaining the parkland and demolishing the buliding - with expansion of the caravan area (as mentioned in the notes) would be good outcome for the community in my opinion, as it provide improvement of the site while potential increasing revenue for the town/area.
Without a doubt it should be used for extra playground equipment. Currently, the play park is the smallest main play park of the larger towns in Angus. Montrose, monifieth, Carnoustie, Arbroath have all utilised their extra space and beach areas, yet Forfar has minimal dated equipment. The skate park is barely a park, there is one small ramp! Where are youths and children meant to go. We are meant to be promoting sustainability and outdoor living, yet the facilities in that park are deplorable. There is so much open space that should be used to extend the outdoor activities for the youth in this town, not the rubbish gym equipment that has been dotted around the loch. Under no circumstances should the land be sold for private use. That land needs to be given back to the children of this town.

Yes. Tear it down! It's pig ugly and a blight to what is otherwise a bonny spot which is under utilised. Build a purpose build wooden structure to house a Rangers/Visitor centre with cafe and interpretation for the country park. Make the building sympathetic to the surroundings and efficient energy use/creation is a must. Such a project done in conjunction with the schools will bring a new sense of ownership by the towns young people over the years. The current Rangers house could be rented to a family.

OPTIONS APPRAISAL

The Information Pack for the initial consultation undertaken from December 2020 to January 2021 included a brief option appraisal.

The following Option Appraisal seeks to follow the principles set out in the Accounts Commission guidance "Options Appraisal: are you getting it right?". The following appraisal is considered to be proportionate to the scale of the project, the public interest in the project and the financial consequences to the Council and Common Good. The following pages set out a qualitative and quantitative data assessment of the various factors for each of the options. **For the avoidance of doubt the options appraisal is intended to guide, inform and support members in reaching a decision on this matter not to dictate the end outcome.**

Objective of the Options Appraisal

The objective for this appraisal is to assist members to make a decision on the future of an unused building that has experienced subsidence, has ongoing challenges, and is declared surplus to council requirements. The Council has no identified need for the building so the key objective of this report and the appraisal of options in Appendix 4 is to determine what happens with the building in the context of it being surplus to the Council's requirements.

The alternative options to deliver this objective are set against the applicable Council's priorities as set out the Council Plan approved at the Special Angus council meeting on 4 March 2021 as:

- 1. Angus to be a go-to place for businesses**
- 2. To maximise inclusion and reduce inequalities**
- 3. Our communities to be strong, resilient and led by citizens**
- 4. Angus Council to be efficient and effective**

Of the above it is considered that this project can contribute to 1, 3, and 4 and the specific priorities for the Council Plan as:

1 Angus to be a go-to place for businesses

Economy

We want Angus to be a 'go-to' area for businesses

- support the creation of local, paid, and lasting job opportunities for our citizens
- make Angus a low-carbon, sustainable area
- support business and economic growth by improving the physical and digital infrastructure

The potential for the impact of the project options on the economy is scored as part of the qualitative assessment

3 Our communities to be strong, resilient and led by citizens

The potential for the impact of the project options on the community is scored as part of the quantitative assessment using the consultation results.

4 Angus Council to be efficient and effective

Our council

We want Angus Council to be efficient and effective

- listen to the needs of our customers and by working for and with them deliver better public value
- develop a commercial approach where appropriate, to make the most of our limited resources
- identify any further opportunities for efficiencies in revenue budget
- identify efficiencies in capital spend through end to end review of programme and projects
- continue the rationalisation of our property

Listening to the needs of our customers and by working for and with them deliver better public value is addressed by consideration of the consultation results.

Efficiencies in revenue budget and capital spend is addressed by consideration of the revenue and capital impact.

Continue the rationalisation of our property is the focus of this report and the risks associated with retaining ownership of the building are assessed in the risk score.

In addition to the above the land and the building in question are Common Good property. The Council has a role as custodian of the Common Good for future generations and therefore retention of the common asset has been included in the option appraisal as a consideration.

Appraisal Rational

The appraisal looks at:

- Impact on the economy
- Strong, resilient Community led - Consultation results
- Potential Financial Implications
 - Capital
 - Revenue
- Risk
- Retention of the Common Good property for future generations

Scores are then allocated to each of the factors based on a scale from -3 to +3 for negative or positive impacts.

The following scoring has been used whereby objectives are graded between -3 (significantly negative impact); 0 (neutral impact); +3 (significantly positive impact).

Significant negative impact	Moderate negative impact	Low negative impact	Neutral impact	Low positive impact	Moderate positive impact	Significant positive impact
-3	-2	-1	0	+1	+2	+3

For the quantitative data the impacts are gauged by the scale of the data. Thus, the costliest capital option of demolition at a budget of £427,000 is given a -3 score. A sale which is estimated to generate a capital receipt of say 1/3 of £427,000 (£142,000) would score +1.

For the objectives which are qualitative the scoring is compared across the options and graded according to the scale of the impact.

As a CAT may be a lease or a sale, the assessment has been split to score both with some elements being common to both.

The scores against the objectives are weighted on the following basis and the weighting gives higher priority to the consultation results; the capital plan impact; and the revenue fund impact. Costs have been considered over a 5-year period to align to the council's capital plan and to compare medium term solutions for the building.

Objective	Weighting
Impact on the economy	10
Strong, resilient Community led - Consultation results	20
Capital	20
Revenue	20
Risk	10
Retention of the Common Good property for future generations	10
TOTAL	90

It is important to stress that the above approach to assessment of the different options is intended to provide a guide to members in making a decision not to provide a definitive answer. As with all assessment models the results need to be interpreted and used carefully.

Option 1 – Do nothing; leave the building as it is currently

Used as a benchmark with other options, not realistic to leave the building as is over the longer term

Objective	Score
Impact on the economy Retaining the building is assessed as having a negative impact in terms of economic development or job creations as the closed site may have a detrimental impact on tourism to the adjacent caravan site and overall attraction of the Country Park	- 2 (based on detrimental impact on tourism)
Strong, resilient Community led - Consultation results 1.4% responses in favour (ranked 5 th of 5 options)	0 (based on 35.9% = +3)
Potential Financial Implications Capital <ul style="list-style-type: none"> • Capital Cost £0 (saves demolition and utility separation costs) at least in the short term • Capital Receipt £0 	0
Revenue <ul style="list-style-type: none"> • Revenue Costs £51,000 per annum (non-domestic rates/other unavoidable running costs such as insurance) would be incurred indefinitely; potential increase in costs if deterioration requires emergency maintenance • Revenue costs assumed to fall to the Forfar Common Good Fund in due course. Over 5 years this would be in the order of £255,000 	-3 (based on £255k over 5 years = -3)
Risk <ul style="list-style-type: none"> • Future deterioration may require action to ensure that the building remains safe • No requirement to petition the court for consent to dispose of Common Good property • Risk of vandalism • If the building due to its history of subsidence requires demolition on safety grounds at some future point the liability for those works are assumed to fall to the Forfar Common Good Fund and the Fund may be unable to afford such significant costs without support from Council funds. 	-1
Retention of the Common Good property for future generations The status quo will retain the building and the land in Forfar Common Good ownership; but access to either by the community would be restricted	0

Option 2 – Sale of building and land on which it sits

Objective	Score
<p>Impact on the economy Selling the building will potentially be beneficial in terms of economic development and job creation if the building is used commercially for new business.</p>	<p>+2 (based on the purchaser creating new jobs and attracting new visitors to Forfar)</p>
<p>Strong, resilient Community led - Consultation results 23.1% responses in favour (ranked 3rd of 5 options)</p>	<p>+2 (based on 35.9% = +3)</p>
<p>Potential Financial Implications Capital</p> <ul style="list-style-type: none"> • Avoids demolition costs for the council if sale achieved • Capital Cost £20,000 for utilities separation costs • Current repairs to the roof in the order of £10-20,000 estimate subject to further investigation. Roof repairs would be required to avoid further deterioration. In all other aspects the building could be 'sold as seen'. Repair costs assumed to fall to the Common Good but this will be confirmed once new accounting policy determined. • Capital Receipt from sale potential in the order of ten thousands to £100,000 or net £60,000 capital receipt 	<p>+0.4 (based on £60k net receipt after costs and £427k=-3)</p>
<p>Revenue</p> <ul style="list-style-type: none"> • Revenue Costs £51,000 per annum (non-domestic rates/other unavoidable running costs such as insurance) until sold; saves revenue once sold Using a 2-year timescale for sale completion, including Court decision on alienability, would give a revenue cost of £102,000 • Revenue costs assumed to fall to the Forfar Common Good in due course 	<p>-1.2 (based on £255k in 5 years = -3)</p>
<p>Risk</p> <ul style="list-style-type: none"> • Limited control on the final use of the building other than via planning powers • Purchaser interest with timing impacting on costs to Common Good • Purchase price • Timescale for sale and revenue costs • Further deterioration of the building until sold • Formal Section 104 Notice outcome – consultation may not be in favour of sale • Requirement and timescale to petition the court for consent to dispose of Common Good property • Potential vandalism until sold 	<p>-1 (based on risk of market interest and price)</p>
<p>Retention of the Common Good property for future generations Selling the building and the land would not retain the property in Forfar Common Good ownership</p>	<p>-3</p>

Past experience of the timescale for property to sell:

- The Cross Forfar - Marketed Oct 2015; Sold in March 2018; Final hand over March 2019
- Chapel Park School – Declared surplus 2010; Marketed until January 2014 and appropriated to the Housing Revenue Account in September 2014
- Forfar Swimming Pool; Declared surplus 2018; Report on sale agreed January 2020; sale subject to planning permission. January 2014

Sale History/Opportunity

Members will recall that all parties who had expressed an interest in 2018/19 in the former Leisure Centre were shown around the facility and invited to submit a bid.

Only one party did so, Mr Donald Stewart, who in January 2019, offered £30,000 for the centre, the tennis courts and the car parks between them

Guild (Homes) Tayside Ltd did not make an offer at that time.

Members will recall that the Community Asset Transfer application by the Phoenix Forfar Gymnastic Club for the tennis courts and use of the car parks prevented consideration of Mr Stewart's offer in February 2019 in accordance with the Community Asset Transfer Policy.

Five of the consultation responses included suggestions that the building be sold to Mr Stewart or Mr Guild or both. These suggestions were from individuals.

There has been no contact from any other potential purchasers since February 2019.

Option 3– Lease of building and land on which it sits

Objective	Score
<p>Impact on the economy Leasing the building will potentially be beneficial in terms of economic development and job creation if the building is used commercially for new business.</p>	<p>+2 (based on the lessor creating new jobs and attracting new visitors to Forfar)</p>
<p>Strong, resilient Community led - Consultation results 11.4% responses in favour (ranked 4th of 5 options)</p>	<p>+1 (based on 35.9% = +3)</p>
<p>Potential Financial Implications Capital</p> <ul style="list-style-type: none"> • Avoids demolition costs for the council at this time • Capital Cost £20,000 for utilities separation costs • Current repairs to the roof in the order of £10-20,000 estimate subject to further investigation would be required. • Repairs to floors and vandalism would be required or off set against rental income • Heating, electrical and water systems would need to be recommissioned • Landlord repair costs assumed to fall to the Forfar Common Good but this will be confirmed once new accounting policy determined. • Further investigation and discussion with the tenant would be required to give a detailed cost. For comparison purposes at this stage repairs are estimated at £75-100,000 and rental income is estimated at £15,000 per annum • Capital receipt £0 	<p>-0.8 (based on £110k costs and £427k=-3)</p>
<p>Revenue</p> <ul style="list-style-type: none"> • Revenue Costs £51,000 per annum (non-domestic rates/other unavoidable running costs such as insurance) until let. • Saves revenue once let, but may incur costs if any gaps in tenancy • Experience of the time for property to secure tenants suggests 12 months minimum and using this timescale, including Court decision on alienability, would give a revenue cost of £51,000 • Would provide an income stream once let. This is difficult to determine but has assumed to be £15,000 per annum • Scored assuming that rental income and above costs would have a neutral impact over a 5-year period • Any future maintenance and upgrades would fall to Common Good 	<p>0 (based on £255k in 5 years = – 3)</p>
<p>Risk</p> <ul style="list-style-type: none"> • Market interest, with timing impacting on costs to Common Good • Lease price • Timescale for let and revenue costs; and if there is a change of tenancy • Further deterioration of the building • Retains ownership and potential need for future funding intervention from Common Good 	<p>-2 (based on market interest/and retention of building with future costs)</p>

<ul style="list-style-type: none"> • If the building due to its history of subsidence becomes uneconomical to repair or suffers a catastrophic failure at some future point the liability for demolition at that point is assumed to fall to the Forfar Common Good Fund and the Fund may be unable to afford such significant costs without support from Council funds. • Formal Section 104 Notice outcome – consultation may not be in favour of lease. Consultation would take place once a tenant has come forward so that adequate details can be included in the consultation. • Requirement and timescale to petition the court for consent to dispose of Common Good property • Potential vandalism until let 	
<p>Retention of the Common Good property for future generations Leasing the building and the land would retain the property in Common Good ownership but access by the community could be restricted depending on who the tenant is to be and what purpose they use the building for. In the absence of any clarity of who may lease the building a neutral impact has been assumed.</p>	0

Lease History/Opportunity

The response by Mr Guild/Guild Homes (Tayside) Ltd was for the lease (Option 3) and the response included the text “We would assist any interested community groups in setting up a charitable trust to utilise the building for the public interest”.

In the accompanying letter submitted by Guild Homes (Tayside) Ltd, it noted the previous communications with Angus Council and stated “We are keen, however, to assist in the creation of a charitable trust or to assist an existing charitable trust or trusts to work with the local community to safeguard LLC for the community benefit and would be delighted to donate significant monies to the cause should any interested parties come forward”.

Two of the consultation responses included suggestions that the building be leased to Mr Guild’s Charitable/Community Trust. These suggestions were from individuals.

One of the consultation responses included a suggestion that the building be leased to Phoenix Forfar Gymnastic Club. This suggestion was from an individual.

One of the consultation responses included a suggestion that the building be leased to an outdoor activity company. This suggestion was from an individual.

Option 4– Community Asset Transfer (CAT)

Objective		Score CAT Sale	Score CAT Lease
Impact on the economy A CAT use for the building will be potentially beneficial in terms of economic development and job creation if the building is used for a community project. As a community led project volunteers may be used rather than paid employees, and the score is lower than a commercial sale or lease		+1	
Strong, resilient Community led - Consultation results 28.4% responses in favour (ranked 2 nd of 5 options)		+2.4 (based on 35.9% = +3)	
Potential Financial Implications Sale - Capital <ul style="list-style-type: none"> Avoids demolition costs for the council if sale achieved Capital Cost £20,000 for utilities separation costs Current repairs to the roof in the order of £10-20,000 estimate subject to further investigation. Capital receipt likely to be low giving at best an assumed cost neutral capital position 	Lease - Capital <ul style="list-style-type: none"> Avoids demolition costs for the council at this time Capital Cost £20,000 for utilities separation costs Current repairs to the roof in the order of £10-20,000 estimate subject to further investigation. To attract/enable a viable CAT the council may need to undertake improvements to the fabric of the building, Repairs to floors and vandalism would be required or off set against rental income Heating, electrical and water systems would need to be recommissioned Further investigation and discussion with the tenant would be required to give a detailed cost. For comparison purposes at this stage repairs are estimated at £75-100,000 Repair costs assumed to fall to the Forfar Common Good but this will be confirmed once new accounting policy determined. 	0 (cost neutral)	-0.8 (based on £110k costs and £427k=-3)
Sale - Revenue <ul style="list-style-type: none"> Revenue Costs £51,000 per annum (non-domestic rates/other unavoidable running costs such as insurance) until transferred; saves revenue once sold Experience of the time for property to complete CAT suggests 2-3 years and using the timescale of 2.5 years, including Court decision on alienability, would give a revenue cost of £127,500 	Lease -Revenue <ul style="list-style-type: none"> Revenue Costs £51,000 per annum (non-domestic rates/other unavoidable running costs such as insurance) until let; saves revenue once transferred Experience of the time for property to complete CATs suggests 2-3 years and using the timescale of 2.5 years, including Court decision on alienability, would give a revenue cost of £127,500 	-1.5 (based on £255k in 5 years = -3)	-1.3 (based on £255k in 5 years = -3)

<ul style="list-style-type: none"> Revenue costs assumed to falls to the Forfar Common Good in due course 	<ul style="list-style-type: none"> Would provide an income stream once let which would be lower than a commercial let. Scored assuming that rental income over subsequent 2.5 year period would have a positive impact in the order of £15,000 Revenue costs assumed to fall to the Forfar Common Good in due course Ongoing future maintenance and upgrades would fall to Common Good 		
<p>Risk</p> <ul style="list-style-type: none"> CAT interest with timing impacting on costs to Common Good CAT sale price/rental price Timescale for transfer and ongoing revenue costs. Further deterioration of the building Lease retains ownership and potential need for future funding intervention from Common Good Formal Section 104 Notice outcome – consultation may not be in favour of CAT. Consultation would take place once a CAT has come forward so that adequate details can be included in the consultation. Requirement and timescale to petition the court for consent to dispose of Common Good property Potential vandalism until transferred Under a CAT lease if the building due to its history of subsidence becomes uneconomical to repair or suffers a catastrophic failure at some future point the liability for demolition at that point is assumed to fall to the Forfar Common Good Fund and the Fund may be unable to afford such significant costs without support from Council funds. 		<p>- 2 (based on no CAT interest to date)</p>	<p>-3 (based on no CAT interest to date; and retention of building with future costs)</p>
<p>Retention of the Common Good property for future generations A CAT of the building and the land would retain the property in community ownership albeit not necessarily Common Good ownership if a CAT sale. Access by the wider community would depend on the terms of the CAT. A CAT lease retains the Common Good ownership of the building and land.</p>		<p>+1</p>	<p>+2</p>

Past experience of the timescale for CAT process for area/buildings of a similar nature:

- Skilz Academy, Arbroath Academy Pitch- Application validated July 2019, Lease expected to complete March 2021; Transfer expected April 2021
- Phoenix Forfar Gymnastic Club, Forfar Loch Tennis Court- CAT Submitted February 2019; Application validated March 2019; Transfer agreed September 2019; Lease completion awaited
- Rugby Club, Forfar Loch Pitch - CAT validated March 2019; Transfer agreed September 2019; Lease completion awaited
- Montrose Playhouse, former swimming pool - declared surplus January 2013; Stage 1 CAT submitted October 2013; Stage 2 CAT submitted September 2014; Transfer by Sale for £1 Agreed at Committee January 2017; Sale concluded September 2017
- Friockheim Community Hub Eastgate School– CAT approved March 2013; Transfer approved March 2016; completion April 2017

Community Asset Transfer History/Opportunity

Members will recall that all parties who had expressed an interest in 2018/19 in the former Leisure Centre where shown around the facility and invited to submit a bid.

This included Phoenix Forfar Gymnastic Club who did not make an offer for the building at that time. Members will recall that the Community Asset Transfer application by the Phoenix Forfar Gymnastic Club for the tennis courts and use of the car parks was received in February 2019. In accordance with the Community Asset Transfer legislation and decision of the Policy & Resources Committee council officers have progressed this application. At the time of writing the formal legal paperwork between the Club and Council is still to be concluded and the timescale for completion has been extended at the request of Phoenix Forfar Gymnastic Club.

The consultation responses included responses from organisations stating they had an interest in the property. The term “interest” is included in the Act but is undefined. The organisations are:

- Phoenix Forfar Gymnastic Club
- Brechin Boxing Club
- Tayside Musketeers Basketball Club

Each of the above organisations have been contacted and advised of the Community Asset Transfer process available with links to the council's website and potential support through the Community Planning Team.

Brechin Boxing Club has subsequently withdrawn their interest.

One of the consultation responses included a suggestion that the building be a Community Asset Transfer to Station Park Community Trust. This suggestion was from an individual.

One of the consultation responses included a suggestion that the building be a Community Asset Transfer to “save lochside leisure centre”. This suggestion was from an individual.

There has been correspondence regarding the establishment of a Charitable Trust to take over the building (see further detail under Option 3 above) and there has been no other contact from any potential Community Asset Transfers since February 2019.

Option 5– Retain the parkland and demolish the building

Objective	Score
<p>Impact on the economy Demolishing the building will potentially have a low positive impact in terms of economic development and job creation as it opens up opportunities for expanding the loch side activities. The expanded Country Park would continue to attract tourists and visitors.</p>	<p>+1</p>
<p>Strong, resilient Community led - Consultation results 35.9% responses in favour (ranked 1st of 5 options)</p>	<p>+3 (based on 35.9% = +3)</p>
<p>Potential Financial Implications Capital</p> <ul style="list-style-type: none"> • Capital Cost £20,000 for utilities separation costs • Capital costs of circa £380,000 for demolition • Capital receipt £0 • Overall budget £427,000 provision in 2022/23 	<p>-3</p>
<p>Revenue</p> <ul style="list-style-type: none"> • Revenue Costs £51,000 per annum (non-domestic rates/other unavoidable running costs such as insurance) until demolition commences and saves revenue once demolition thereafter • Timescale for demolition, including Court decision on alienability, of 12 months, giving revenue costs of circa £51,000 	<p>-0.6 (based on £255k=-3; so £51k = -0.6)</p>
<p>Risk</p> <ul style="list-style-type: none"> • Tender process • Formal Section 104 Notice outcome • Requirement and timescale to petition the court for consent to dispose of (which includes demolishing) Common Good property 	<p>+1 (based on most factors being known, and the consultation response in favour of this option)</p>
<p>Retention of the Common Good property for future generations Demolishing the building and retaining the land would retain the original Common Good property, the land, in Common Good ownership. The land would be available for public use as parkland.</p>	<p>+1</p>

Summary of Scores and Weighting

Objective	Weighting	Option 1- Status Quo	Weighted Option 1- Status Quo	Option 2- Sale	Weighted Option 2- Sale	Option 3- Lease	Weighted Option 3- Lease
Impact on the economy	10	- 2	- 20	+2	+20	+2	+20
Strong, resilient Community led - Consultation results	20	0	0	+2	+40	+1	+20
Capital	20	0	0	+0.4	+8	-0.8	-16
Revenue	20	-3	-60	-1.2	-24	0	0
Risk	10	-1	-10	-1	-10	-2	-20
Retention of the Common Good property for future generations	10	0	0	-3	-30	0	0
TOTAL	90		-90		+4		+4

Objective	Weighting	Option 4a - CAT Sale	Weighted Option 4a – CAT Sale	Option 4b - CAT Lease	Weighted Option 4b- CAT Lease	Option 5 - Demolition	Weighted Option 5 - Demolition
Impact on the economy	10	+1	+10	+1	+10	+1	+10
Strong, resilient Community led - Consultation results	20	+2.4	+48	+2.4	+48	+3	+60
Capital	20	0	0	-0.8	-16	-3	-60
Revenue	20	-1.5	-30	-1.3	-26	-0.6	-12
Risk	10	-2	-20	-3	-30	+1	+10
Retention of the Common Good property for future generations	10	+1	+10	+2	+20	+1	+10
TOTAL	90		+18		+6		+18

The above option appraisal is intended to help inform members of the various factors for each of the options and provide a means of comparison.

The financial estimates provided are estimates for the comparison of options. The only budget provision is for the demolition but if demolition was not to be the chosen option the funds available would be available for other purposes.

Members' attention is drawn to the risk section of each option. Of note is the situation that in terms of any lease, sale or Community Asset Transfer of the land and building, each would be dependent on a third party wishing to buy or lease the property or apply through the Community Asset Transfer process for a purchase or a lease and in each case the Council approving the terms and conditions of such.

APPENDIX 2 of 9 SEPTEMBER 2021 REPORT

APPENDIX 5 to Council Report 18 MARCH 2021

LEGAL ISSUES

Alienable or Inalienable Common Good Property

Members are aware of the legal challenge to the previous decision on Lochside Leisure Centre. The outcome of the appeal to the Inner House of the Court of Session was that the building as well as the land is deemed to be Common Good.

Lord Carloway states in his judgement "The Lochside Leisure Centre is therefore part of the common good land".

Common Good property may be considered alienable or inalienable, where it may or may not be disposed of. There are three factors to consider:

- How the title deed is worded i.e. does it specifically prohibit disposal
- Has it been dedicated for public uses; and
- Has the land been used from time immemorial by the public.

Any disposal of the Common Good land may require court approval in accordance with Section 75 of the Local Government (Sc) Act 1973. This requires a local authority to seek court approval (Sheriff Court or Court of Session) when a question arises as to its right to alienate (dispose) the property. If court approval is given, the court can make that approval subject to conditions. All of the Option 2 to 5 are deemed to be a disposal of either the building or the building and the land.

A question has arisen as to whether or not there is a right to alienate the land at the former Lochside Leisure Centre as there is a possibility that the land at Forfar Loch has been dedicated for public uses. If this is the case, Court approval will be required under Section 75 of the Local Government (Sc) Act 1973 for any of the Options 2 to 5 in this report. It is further advised that Court approval can only be sought once the detail of any proposed sale, lease, or CAT is known. Thus, the timing of seeking Court approval is at the later stages of these 'disposal' options and has been considered in the suggested timescale of the option appraisals. It is anticipated that any proposed sale, lease, or CAT may be subject to Court approval. Court approval for disposal of the building by demolition could commence post the Council's consideration of the formal Section 104 consultation.

There is a risk therefore in any of the proposed options that the Court may determine not to grant approval for the Council's proposed disposal of the Common Good land and/or building or may grant approval subject to conditions that the Council does not find acceptable.